

REMARKS

Applicants acknowledge and appreciate Examiner Chernyshev's allowing a telephone interview with Applicants' representative, MaryDilys Anderson on October 5, 2005 to discuss proposed claim amendments

Applicants respectfully requests reconsideration. Claims 1-4, 9-11 and 24-29 were previously pending in this application. By this amendment, Applicants are amending claims 11 and 28. Claim 28 has been amended to clarify that the huntingtin exon 1 protein is the huntingtin (poly)peptide encoded by the nucleic acid sequence of huntingtin exon 1. Support for the amendment can be found at least in the specification at page 5, lines 24-26. As a result, claims 1-4, 9-11, and 24-29 are pending for examination with claim 1 being an independent claim. No new matter has been added.

Interview Summary

A telephonic interview with Examiner Chernyshev and Applicants' representative MaryDilys Anderson was held on October 5, 2005 to discuss proposed claim amendments submitted by Applicants' representative. In the interview, claims 11 and 28 were discussed and agreement was reached with respect to amendments to claims 11 and 28.

Allowable Subject Matter

Claims 1-4, 9 and 10 have been allowed.

Rejections under 35 U.S.C. §112

The Examiner rejected claims 11 and 24-27 under 35 U.S.C. §112, first paragraph as lacking enablement.

Applicants have amended claim 11 to remove the recitation of "a transgenic animal cell or a transgenic plant cell" from the claim. Applicants submit that the amendment obviates the rejection of claim 11 and claims 24-27, which depend from claim 11.

Accordingly, withdrawal of the rejection of claims 11 and 24-27 under 35 U.S.C. §112 is respectfully requested.

The Examiner rejected claims 28 and 29 under 35 U.S.C. §112, second paragraph as indefinite.

Applicants have amended claim 28 to clarify that the huntingtin exon 1 protein is the huntingtin (poly)peptide encoded by the nucleic acid sequence of huntingtin exon 1. Applicants respectfully submit that the amendment obviates the basis for the rejection.

Accordingly, withdrawal of the rejection of claims 28 and 29 under 35 U.S.C. §112 is respectfully requested.

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CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
Erich Wanker et al. , Applicant(s)

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